

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN INSURER TO NOTIFY THE DEPARTMENT OF JUSTICE IF REQUIRED MOTOR VEHICLE LIABILITY INSURANCE IS CANCELED; PROVIDING FOR SANCTIONS AGAINST DRIVERS COVERED BY THE CANCELED INSURANCE; PROVIDING ADDITIONAL PENALTIES FOR A PERSON DRIVING WHILE THE PERSON'S LICENSE IS SUSPENDED FOR FAILURE TO BE INSURED, SELF-INSURED, OR COVERED BY AN INDEMNITY BOND; AND AMENDING SECTION 61-6-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Notification to department of insurance cancellation -- action against driver's license. If the insurance required by 61-6-301 is canceled by the insured or insurer, the insurer must, within 3 business days of the cancellation, notify the department of the cancellation. Within 3 days of receipt of the notice, the department shall suspend the driver's license of each person insured under the canceled policy and notify each person that the suspended driver's license will be reinstated if the person provides the department with proof of compliance with 61-6-301 and that the driver's license will be revoked in 6 months if the person has not provided the department with proof of compliance with 61-6-301. A person may not be granted a new driver's license after revocation under this section unless the person has provided the department with proof of compliance with 61-6-301. A person obtaining a new driver's license after revocation under this section must pay a \$100 fee in addition to the fee for the new license.

Section 2. Section 61-6-304, MCA, is amended to read:

"61-6-304. Penalties. (1) (a) Except as provided in subsection (1)(b):

(i) Conviction conviction of a first offense under 61-6-301 or 61-6-302 is punishable by a fine of not less than \$250 or more than \$500 or by imprisonment in the county jail detention center for not more than 10 days, or both;

(ii) A a second conviction is punishable by a fine of \$350 or by imprisonment in the county jail detention center for not more than 10 days, or both;

1 ~~(iii) A~~ a third or subsequent conviction is punishable by a fine of \$500 or by imprisonment in the county
2 ~~jail~~ detention center for not more than 6 months, or both.

3 (b) (i) A person convicted of a first or subsequent offense under 61-6-301 must, in addition to any
4 imprisonment imposed under subsection (1)(a), be sentenced to 24 consecutive hours in the county detention
5 center, which must be suspended with the condition that if the person operates a motor vehicle while the
6 person's license is suspended under subsection (3), the person must, if ordered under 46-18-203, serve 24
7 consecutive hours in the detention center.

8 (ii) A person convicted of a first or subsequent offense under 61-6-301 must, in addition to any fine
9 imposed under subsection (1)(a), be fined an amount not less than \$1,000 or more than \$2,400, which must be
10 suspended with the condition that if the person operates a motor vehicle while the person's license is suspended
11 under subsection (3), the person must, if ordered under 46-18-203, pay the suspended fine.

12 (2) Upon a second or subsequent conviction under 61-6-301 or 61-6-302, the sentencing court shall
13 order the surrender of the vehicle registration receipt and license plates for the vehicle operated at the time of
14 the offense if that vehicle was operated by the registered owner or a member of the registered owner's
15 immediate family or by a person whose operation of that vehicle was authorized by the registered owner. The
16 court shall send the receipt and plates, along with a copy of the complaint and dispositional order, to the
17 department, which shall immediately suspend the receipt and plates for a period of 90 days from the date of a
18 second conviction or 180 days from the date of a third or subsequent conviction. The receipt and plates may not
19 be reinstated until the expiration of that period and until proof of compliance with 61-6-301 is furnished to the
20 department, but if the vehicle is transferred to a new owner, the new owner is entitled to register the vehicle.

21 (3) Upon a ~~fourth and first~~ fourth or first or subsequent conviction under 61-6-301 or a fourth or subsequent conviction
22 under 61-6-302, the court shall order the surrender of the driver's license of the offender, if the vehicle operated
23 at the time of the offense was registered to the offender or a member of the offender's immediate family. The
24 court shall send the driver's license, along with a copy of the complaint and the dispositional order, to the
25 department, which shall immediately suspend the driver's license. The department may not reinstate a driver's
26 license suspended under this subsection until the registered owner provides the department proof of compliance
27 with 61-6-301 and the department determines that the registered owner is otherwise eligible for licensure.

28 (4) If a person is convicted of a first or subsequent offense under 61-6-301, the sentence must include
29 a provision that if the person operates a motor vehicle while the person's license is suspended under subsection
30 (3), the court will, within 10 days after a determination by the court that the person operated a motor vehicle while

1 the persons's license was suspended under subsection (3), order the county sheriff to seize the motor vehicle
2 and order the motor vehicle forfeited under the provisions of 61-8-421(2) through (5), 61-8-733(2) and (3), and
3 Title 44, chapter 12, part 2.

4 ~~(4)~~(5) The court may suspend a required fine only upon a determination that the offender is or will be
5 unable to pay the fine.

6 ~~(5)~~(6) A court may not defer imposition of penalties provided by this section.

7 ~~(6)~~(7) An offender is considered to have been previously convicted for the purposes of sentencing if less
8 than 5 years have elapsed between the commission of the present offense and a previous conviction."
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10 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
11 integral part of Title 61, chapter 6, part 3, and the provisions of Title 61 apply to [section 1].

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